

**Virginia Department of Health**  
**Sewage Handling and Disposal Advisory Committee (SHADAC)**  
**June 30, 2020 Meeting Summary (Draft)**

**Date:** June 30, 2020  
**Time:** 10 am to 11:30am  
**Location:** Webinar using WebEx meeting platform.

**Present**

SHADAC Members: Mike Lynn (Home Builders Association of Virginia), Lance Gregory (VDH), Alan Brewer (Virginia Association of Counties), Matt Tolley (Virginia Association of Professional Soil Scientist), Curtis Moore (Virginia Onsite Wastewater Recycling Association), Laura Farley (Virginia Association of Realtors), Valerie Rourke (Department of Environmental Quality), Channing Blackwell (Virginia Society of Professional Engineers)

**VDH Staff and General Public**

Anthony Creech, Dr. Marcia Degen, Doug Canody, Gary Williams, Jessica Pierce, Peter Foster

**Administrative**

1. Welcome and instruction on using Webex system.

Chairman Lynn welcomed the committee members, VDH staff and the public to the meeting. Mr. Gregory provided instructions on using the WebEx system.

2. Approve agenda.

Mr. Gregory requests to add an agenda item for a proposed fast-track regulations to address GMP 147.

Ms. Farley motion to approve the agenda as modified. Mr. Brewer seconded. All were in favor of the motion.

**Old Business**

1. Hardship Guideline Updates - Continue from June 5, 2020 discussion.

Mr. Gregory presented information regarding the Hardship Guideline proposed revisions with updated information since the June 5, 2020 meeting (see presentation attached). Mr. Gregory discussed the updated dataset and the localities affected by the transition. After the initial data set was generated several districts indicated that there were more designers providing 5 or more designs, than detailed in the initial dataset. District were given an opportunity to update data gaps in the system, which resulted in more localities transitioning to private. Based on the update information, 13 additional localities will transition off of the hardship map for onsite sewage system designs.

In addition to the change in the hardship map, the income eligibility statewide will drop to 300% of the federal poverty guidelines on July 1, 2020. The updates to the policy only reflect this change in income eligibility as outline in House Bill 888, and changes in hardships based on the number of private sector providers which uses the previously approved equation.

There are still significant data gaps for the design of private wells and safe, adequate, and proper evaluations (SAPs). The available data shows that about 85% of SAPs are done by VDH. VDH will continue to work with the database team and local health districts to eliminate these gaps.

With regards to recommendations for additional revisions to the policy by stakeholders, Mr. Gregory noted that a 6 month analysis of data points could be completed instead of annual. Mr. Gregory also commented that the policy may need to be revised to increase the minimum number of applications we a locality is automatically determine to have a sufficient number of private sector service providers. There are several urban/suburban localities that receive just over 10 application every year, but may never get to having two service providers doing at least five evaluations each.

Chairman Lynn asked if VDH received any feedback from elected officials. Mr. Gregory noted he had not received many calls from anyone on the transition of services. He stated that local health department appear to be doing good job informing the public about private sector services. Mr. Gregory did note concerns raised from the Eastern Shore. There are two OSEs that do majority of work and stakeholder have commented they can't keep up with new construction and repairs.

Mr. Brewer commented that the fact 13 counties are transitioning shows we're on track. He did not see any need for any immediate modifications to the policy.

Chairman Lynn commented that VDH proposed to change the formula if the transition was happening too fast or not fast enough, but it appears that we're on a good track.

Mr. Gregory commented that VDH will update the two appendices of the existing policy and post on July 1 in accordance with the current policy.

Chairman Lynn asked whether there are counties that will never transition by five year mark. Mr. Gregory said he was not sure. He noted that many localities were very close to transitioning this year. For example, Washington County had one designer that did five or more and a few other designers did two or three. If there is one more private sector provider that complete five designs next year, that locality will likely transition.

Chairman Lynn asked whether applications were down due to the pandemic. Mr. Gregory commented applications for onsite sewage were down 10% and private wells were down 30% at the end of May. However, there were different impacts in different regions.

Mr. Brewer motioned that the SHADAC recommend the Commissioner make no substantial changes to the policy but to amend the appendices to reflect current conditions. Mr. Tolley seconded the motion. All were in favor.

## 2. Proposed Fast Track Amendments to the Sewage Handling and Disposal Regulations

Dr. Degen provided a brief presentation (see attached) on a proposal to incorporate elements of rescinded GMP 147 into the Sewage Handling and Disposal Regulations via a fast-track amendment process. Dr. Degen noted that the proposal was currently under internal review and would then be sent to the SHADAC for consideration.

### **Public Comment Period**

Mr. Foster provided comments to permitting of well sites. He noted that since the privatization changes occurred in the last 12 months, licensed geologist cannot obtain permits. He commented that the consideration of other hardships provides avenues for geologist, but with onset of COVID those options are no longer available due to restrictions on staffing. Somehow professional geologist were left off the list for obtain well drilling permits.

Mr. Gregory noted that when the legislation went through for transition of services, VDH could only accept evaluations and designs from OSEs or PEs. Well drillers asked to be added to submit design packages. VDH does not have authority to accept designs from professional geologist, but districts could work with professional geologist on bare applications.

Chairman Lynn asked what has to happen to allow professional geologist to submit design. Mr. Gregory noted it would require a code change

Mr. Blackwell asked what experience professional geologist have to design a well.

Mr. Foster noted they have to go through testing program and the licensing exam is specific to hydrogeology. The focus is the location and development of wells.

### **Adjourn**

**Virginia Department of Health  
Sewage Handling and Disposal Advisory Committee (SHADAC) Meeting  
Agenda**

**Date:** June 30, 2020  
**Time:** 10 am to 11:30am  
**Location:** Webinar using Webex (use instructions below to join)

You can access the meeting on your computer, phone, or mobile device with the meeting link below.

<https://vdhoep.webex.com/vdhoep/j.php?MTID=m7aa00c417ada8d2dad80656d3ccf3dd5>

If accessing via a mobile device, you will need to download the Webex Meet app prior to joining the meeting.

When joining the meeting, please use the meeting number and password below:

Meeting number (access code): 132 928 6817  
Meeting password: 72W3NntSM2w

You can use your computer audio or join via telephone by calling 1-844-992-4726 United States Toll Free

**Agenda**

**Administrative (10 minutes)**

1. Welcome and instruction on using Webex system. (5 minutes)
2. Approve agenda. (5 minutes)

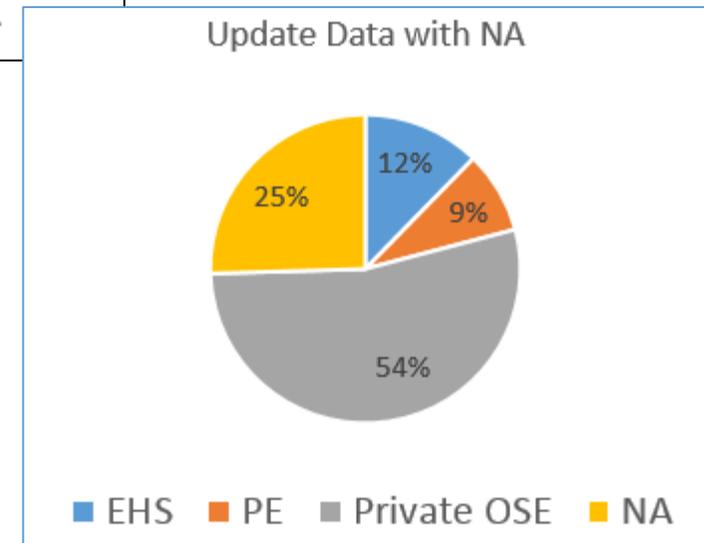
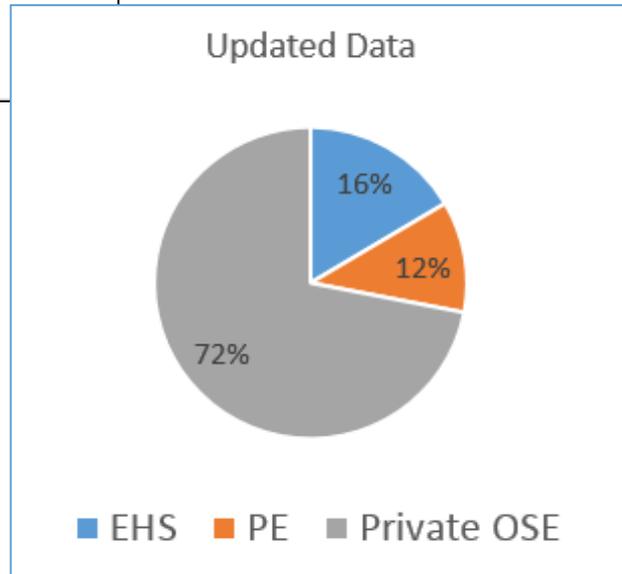
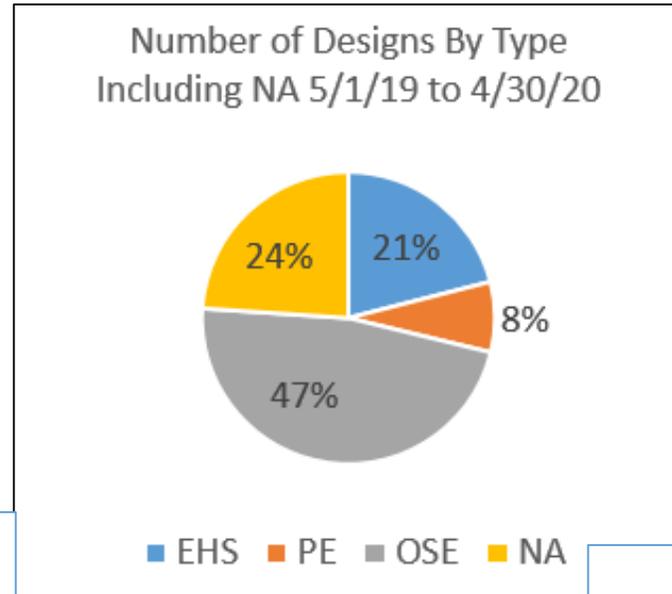
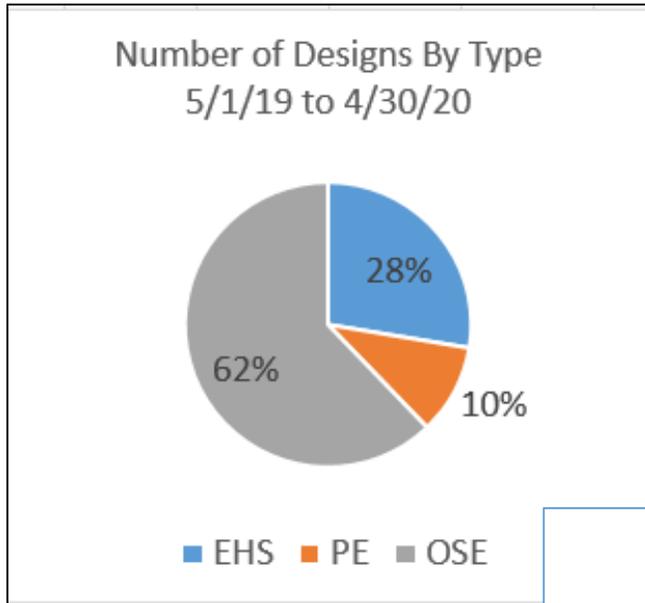
**Old Business (60 minutes)**

1. Hardship Guideline Updates - Continue from June 5, 2020 discussion. (60 minutes)

**Public Comment Period (15 minutes)**

# Updates to Hardship Guidelines

# General Onsite Data – 5/1/19 to 4/30/20



# Localities Making Transition – Onsite Sewage Services

## **Initial Analysis**

- Accomack
- Buckingham
- Clarke
- Cumberland
- Essex
- Halifax
- Nottoway
- Surry\*
- Sussex\*
- Westmoreland

## **Final Analysis**

- Accomack
- Amelia
- Brunswick
- Buckingham
- Clarke
- Cumberland
- Essex
- Halifax
- Henry
- Nottoway
- Page
- Southampton
- Westmoreland

# Updated Income Eligibility

Persons in Family/Household	300% of Federal Poverty Guidelines
1	\$38,280
2	\$51,720
3	\$65,160
4	\$78,600
5	\$92,040
6	\$105,480
7	\$118,920
8	\$132,360

# Revised Policy

# Private Wells and SAP

- As discussed, no data on private wells.
- Majority of SAP's done completed by VDH.
- Feedback from districts on SAP totals.

# Additional Information

- Transitioning Localities = 308 Bare Application
- 225 OSEs/PEs provided at least 1 design.
- Average 31.5 designs per OSE/PE.
- 10 OSEs/PEs accounted for almost 25% of all designs.
- 29 OSEs/PEs accounted for more than 50% of all designs.

# Future Updates

- Outreach on data entry.
- 6 month analysis of all data points; onsite, wells, and SAPs.
- Ideas on increase minimum application number (currently 10).
- Ideas for equation outliers (e.g. many OSEs/PEs doing only a few designs).

# Fast Track Proposal: Sewage Handling and Disposal Regulations

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MOVING GMP 147 INTO REGULATION

JUNE 30, 2020

# Why? Engineering Exemption

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§ 54.1-402. Further exemptions from license requirements for architects, professional engineers, and land surveyors.

11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the authority of Chapter 6 of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

# History – GMP 147

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## GMP 147

- Issued 2009
- Contained a number of blanket variances to SHDR
  - Loading rates
  - Trench width
  - Trench depth
  - Pump velocity
- Designers have been following GMP 147 especially for pads and shallow trenches with TL3
  
- Rescinded in 2016 with issuance of 2016-03
  - Intended to move design info to separate policy
  - VDH Management no longer supporting blanket variances

# OSE Design Authority

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- ❑ Issue brought to SHADAC in 2019
  - ❑ Concern that with GMP 147 rescinded that OSEs are designing outside the engineering exemption
  - ❑ SHADAC agreed that OSEs must follow regulation or an approved manufacturer manual in order to comply with “which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes”
  - ❑ SHADAC directed VDH to investigate how to allow OSEs to continue to do pads and shallow designs
  
- ❑ VDH brought issue to OAG
  - ❑ Result of meeting: A policy is an interpretation of approved regulations. A policy cannot create new design standards that are not found in regulation.
  - ❑ Clearest path is for VDH to modify the SHDR to include the desired regulatory changes

# The Plan

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## Step One:

- Prepare a FAST TRACK REGULATORY change to incorporate design elements from GMP 147 into the SHDR.

## Step Two:

- Update GMP 2010-01 (Verifying Licensure of Department of Professional and Occupational Regulation (DPOR) regulations for work submitted to the Virginia Department of Health (VDH)

## Step Three:

- Notify VDH staff and OSEs that until Reg is adopted, VDH will no longer recognize the variances allowed in GMP 147. RESETS the program.

# Status

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First Draft of FAST TRACK Reg out for internal review

# Reg Changes

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Changes proposed to :

- 12VAC5-610-250: Allows OSEs to submit designs without formal plans
- 12VAC5-610-880:
  - Reduces velocity to 1.3 fps when pumping settled sewage
  - Creates new section 880C for Pumps Integral to Treatment Systems
  - Creates new section 880D for conveyance pumps

# Reg Changes

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- 12VAC5-610-950
  - Creates new C3 to set standards for installing below a restriction with treated effluent **[NEW]**
  - Adds Table 5.5 – Loading Rates for TL2 & TL3 effluent for pressure and gravity trench, pads, drip
  - Creates new K to incorporate standards for trenches receiving treated effluent.
- Modifies 12VAC5-610-960 – Elevated Sand Mound – to add in mounds receiving TL3, TL3
- Creates new section 12VAC5-610-966 - Pads

# Special Items

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- Clarify distribution requirements for pads
- Specify when timed and pressure dosing required
- Reference manufacturer designs
- NEW – installing under a restriction
- Minimum square footage?
- Sets minimum effluent quality to a pad of TL2